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JAMES H. McKENNEY,
CLERK.

No. 395.

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

THOMAS M. FIELDS, PLAINTIFF IN ERROR,
v.
THE UNITED STATES.

IN ERROR TO THE COURT OF APPEALS, DISTRICT OF COLUMBIA.

MOTION TO ADVANCE.

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

THOMAS M. FIELDS, PLAINTIFF IN ERROR,
v.
THE UNITED STATES.
} No. 395.

MOTION TO ADVANCE.

The plaintiff in error was convicted in the Supreme Court of the District of Columbia at the January term, 1905, of embezzlement. On appeal to the Court of Appeals the judgment was modified and affirmed, and thereupon a writ of error was sued out from this court. On January 21, 1907, a petition for certiorari was submitted, together with a motion by the United States to dismiss, both of which were by the court, on January 28, postponed to the hearing of the case on its merits. The question of the constitutionality of section 841 of the Code of the District of Columbia, under which the indictment was brought, is attempted to be raised.

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In accordance with rule 26, section 3, the Solicitor-General moves the court to advance the case on the docket and set it down for hearing on a day convenient to the court during the present term.

Opposing counsel concur in this motion.

HENRY M. HOYT,
Solicitor-General.

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